

1 April 5, 2019



**Talbot County Planning Commission**  
**Final Decision Summary**

Wednesday, January 2, 2019 at 9:00 a.m.

Bradley Meeting Room

11 N. Washington Street, Easton, Maryland

**Attendance:**

Commission Members:

John N. Fischer, Jr., Chairman  
Paul Spies, Vice Chairman (absent)  
William Boicourt  
Michael Sullivan  
Phillip "Chip" Councill

Staff:

Mary Kay Verdery, Planning Officer  
Miguel Salinas, Assistant Planning Officer  
Brennan Tarleton, Planner I  
Elisa Deflaux, Environmental Planner  
Mary O'Donnell, Assistant County Attorney  
Carole Sellman, Recording Secretary

**1. Call to Order**—Commissioner Fischer called the meeting to order at 9:02 a.m.

**2. Election of Officers**

Commissioner Spies moved to postpone the election until the new Commission member is present; Commissioner Boicourt seconded the Motion. The Motion carried unanimously.

**3. Decision Summary Review**—December 5, 2018—The Commission noted the following corrections to the draft decision summary:

- a. Line 96, include "then".
- b. Line 134-135, strike Line 134-135.
- c. Line 139, take comment after Kehoe out.

**Commissioner Boicourt moved to approve the draft Planning Commission Decision Summary for December 5, 2018, as amended. Commissioner Councill seconded the motion. The motion carried unanimously (5-0).**

**4. Old Business**

- a. Major Site Plan and Waiver—LS Futures, LLC #SP602, 1601 Marina Drive, Trappe, MD 21673, map 62, grid 19, parcel 43; Zone: Limited Commercial, Jake Laureska, Rauch, Inc., agent
- b. Recommendation to Board of Appeals—LS Futures, LLC #18-1689, 1601 Marina Drive, Trappe, MD 21673, map 62, grid 19, parcel 43; Zone: Limited Commercial, Jake Laureska, Rauch, Inc., agent

55 Ms. Deflaux presented the staff report for a Major Site Plan to construct a boat  
56 maintenance facility that will provide regular mechanical boat maintenance,  
57 electrical work and other system repairs. She noted there will be no painting or  
58 boat finishing contained within this facility and the use is classified as  
59 “Automobile service, repair, washing and fuel sales,” which is a permitted use in  
60 the Limited Commercial Zoning District. In addition, she explained, the applicant  
61 is seeking a recommendation to the Board of Appeals for a Special Exception to  
62 allow 6,000 square feet of outdoor boat parking and storage area. She noted the  
63 use is classified as “Vehicle and boat parking and storage (commercial)”, a  
64 permitted use in the Limited Commercial Zoning District (LC District) with  
65 outside boat parking and storage allowed by Special Exception in the district.  
66

67 Staff recommendations include:  
68

- 69 1. Address the November 14, 2018 Technical Advisory Committee  
70 comments from the Department of Planning and Zoning, Public  
71 Works, Environmental Health Department, Talbot Soil Department  
72 and the Critical Area Commission.  
73

74 Alexis Kramer of Ewing, Dietz, Fountain & Kehoe and Jake Laureska of Rauch,  
75 Inc. appeared on behalf of Applicant, LS Futures, LLC and Cheryl Hughes. They  
76 explained that Ms. Hughes is ill and could not attend the meeting. Mr. Laureska  
77 explained they originally were going to put in a boat maintenance facility along  
78 with a crab shack, but due to septic issues the crab shack portion of the building  
79 will be for storage only. He noted there will be no painting or toxic chemicals  
80 used as they will be repairing boats only and the building will meet all critical  
81 area requirements. Mr. Laureska stated there will also be boat storage outdoors for  
82 which they are going to the Board of Appeals for a Special Exception. He stated  
83 that a requirement for twenty-two spaces for a staff of six is unnecessary as they  
84 will not receive much public traffic and parking is mostly for workers on the  
85 boats; they are requesting a waiver to reduce the number of spaces to eight, which  
86 will be tucked in near the building along with an ADA compliant space.  
87

88 Commissioner Boicourt stated he feels the adjacent parcel is a good place for  
89 overflow parking, and it makes a connection between the two parcels. Mr. Salinas  
90 responded that Staff reviewed the Waiver request for a reduction in parking just  
91 on the single parcel. Mr. Laureska stated they were comfortable with that  
92 analysis.  
93

94 Commissioner Councill asked if customers who have boats would be allowed to  
95 perform the work. Mr. Laureska responded that there is no space set up inside the  
96 building for boat owners to perform their own repairs, but they would be able to  
97 maintain their boats.  
98

99 Commissioner Spies asked if the boat storage area is open air and how many  
100 outdoor spaces were planned on-site. He also asked if the area could be converted

101 into additional parking spaces if the building is sold. Mr. Laureska responded in  
102 the affirmative and noted that the storage area was made with the same material as  
103 the parking area.

104  
105 Commissioner Fischer asked if the floating barge that was in contention last  
106 month had been moved. Mr. Kramer responded that they were in the process of  
107 moving it out of the water. He stated he is waiting to hear from the Attorney  
108 General.

109  
110 Commissioner Fischer asked for public comments.

111  
112 Emily Mineri, Assistant Attorney General, Critical Area Commission and Kate  
113 Charbonneau, Assistant Director Critical Area Commission, informed the  
114 Planning Commission they would be glad to answer any questions related to their  
115 December referral letter. If the project is approved, they asked that the  
116 Commission proceed with the conditions outlined in the letter.

117  
118 Commissioner Councell asked if the applicant had any objection to those  
119 conditions. Mr. Kramer responded he would request a condition for the removal  
120 of the barge out of the water. Commissioner Councell asked if there could be a  
121 time limit on the conditions and Mr. Kramer responded 60 days would be  
122 sufficient.

123  
124 Commissioner Sullivan read language regarding penalties, fines, etc. and asked  
125 the applicant if the removal of the barge is the only condition acceptable. Mr.  
126 Kramer stated the Assistant Attorney General has not asked for penalties or fines  
127 and merely asked that it be removed.

128  
129 Commissioner Councell noted there was an issue with the landscaping plan and  
130 asked if it was resolved. Ms. Deflaux responded that the applicants were working  
131 on a plan consistent with the new Code.

132  
133 **Commissioner Boicourt moved to approve the Major Site Plan for LS**  
134 **Futures, LLC, 1601 Marina Drive, Trappe, Maryland, to construct a boat**  
135 **maintenance facility; with all Technical Advisory Committee conditions**  
136 **being complied with, and with recognition that the barge will be removed**  
137 **within sixty days; Commissioner Sullivan seconded the Motion. The Motion**  
138 **carried unanimously (5-0).**

139  
140 **Commissioner Boicourt moved to grant the parking waiver to reduce the**  
141 **parking spaces from twenty-three (23) to eight (8) parking spaces;**  
142 **Commissioner Spies seconded the Motion. The Motion carried unanimously**  
143 **(5-0).**

144  
145 **Commissioner Councell recommended approval to the Board of Appeals for**  
146 **storage of boats with the recommendation that the barge be removed within**

147 **60 days; Commissioner Boicourt seconded the Motion. The Motion carried**  
148 **unanimously (5-0).**  
149

150 **5. New Business**  
151

- 152 a. Small Scale Subdivision—Wootenau Creek Farm #M1167, 9479 Chapel Road,  
153 Easton, MD 21601, map 26, grid 8, parcel 35; Zone: Limited Commercial, Chris  
154 Waters – Davis, Bowen & Friedel, Inc., agent  
155

156 Mr. Tarleton presented the staff report for approval of a Preliminary Plat for a  
157 Small Scale Subdivision to divide Tax Parcel 35 into 2 buildable lots and  
158 establishing a 40' wide private road right-of-way on a property located at 9479  
159 Chapel Road, Easton, Maryland.  
160

161 Staff recommendations include:  
162

- 163 1. Address the December 12, 2018 Technical Advisory Committee  
164 comments from the Department of Planning and Zoning, Public  
165 Works, Environmental Health Department, Talbot Soil Conservation  
166 District and the Environmental Planner.  
167

168 Mr. Waters of Davis, Bowen & Friedel and Gary Gannon, the applicant, appeared  
169 before the Commission. Mr. Waters stated the plan has not changed much from  
170 sketch and asked for preliminary/final review.  
171

172 Commissioner Boicourt asked if Staff was agreeable with the approval of a  
173 preliminary/final plat. Mr. Tarleton responded in the affirmative as long as all  
174 TAC conditions were met. Commissioner Fischer asked about the SDA coming  
175 down the driveway. Mr. Waters responded that would be for Mr. Gannon's house  
176 and he currently has a Site Plan in for the proposed house.  
177

178 Commissioner Fischer asked for public comments; there were none.  
179

180 **Commissioner Boicourt moved to approve the preliminary/final small scale**  
181 **subdivision for Wootenau Farm LLC, 9479 Chapel Road, Easton,**  
182 **Maryland 21601; with all staff conditions being complied with.**  
183 **Commissioner Spies seconded the Motion. The Motion carried unanimously**  
184 **(5-0).**  
185

- 186 b. Small Scale Subdivision—Many Blessings Farm, c/o Keith McMahon #M1166,  
187 Villa Road, Easton, MD 21601, map 25, grid 14 & 13, parcel 40 & 205; Zone:  
188 Rural Conservation/Western Rural Conservation, Elizabeth Fink – Fink, Whitten  
189 & Associates, LLC  
190

191 Mr. Tarleton presented the staff report for approval of a Preliminary Plat for a  
192 Small Scale Subdivision to reconfigure Tax Parcel 40, create two buildable lots

and establish a 40' wide private road right-of-way on a property located at 27993 Villa Road, Easton, Maryland. In addition, he stated the applicant is proceeding through the minor revision plat process to abandon the lot lines of Tax Parcel 205 resulting in the acreage now becoming part of the Remaining Lands of Tax Parcel 40.

Staff recommendations include:

1. Address the December 12, 2018 Technical Advisory Committee comments from the Department of Planning and Zoning, Public Works, Environmental Health Department, Talbot Soil Conservation District and the Environmental Planner.

Elizabeth Fink, Fink, Whitten & Associates, represented the applicant before the Commission. Ms. Fink stated she would like to ask for preliminary/final if possible. Mr. Tarleton stated a preliminary/final approval was acceptable as long as all TAC conditions were met.

Commissioner Fischer asked for public comments; there were none.

**Commissioner Spies moved to grant preliminary/final approval to Many Blessings Farm, Villa Road, Easton, Maryland 21601; with all conditions being complied with. Commissioner Sullivan seconded the Motion. The Motion carried unanimously (5-0).**

- c. Major Site Plan—21551 Chesapeake LLC/Wylder Hotel #SP603, 21551 Chesapeake House Drive, Tilghman, MD 21671, map 44A, parcel 149; Zone: Village Mixed, John Flannigan, Agent

Mr. Tarleton presented the staff report for a Major Site Plan for two land uses: 1) Restaurant with outdoor events to include the limits and location for outdoor seating and music as well as frequency and hours, and 2) Accessory event venue to include number of guests and hours of operation. The applicant has submitted a Site Plan not to specified scale as the proposed improvements to this site for both specified uses are not to include permanent structures. The applicant is also requesting a waiver of the required Type C perimeter landscaping standard for the Accessory event venue use to be replaced with an alternate perimeter landscape plan in accordance with Section 190-40.A.

Staff recommendations include:

1. The applicant shall obtain special exception approvals from the Board of Appeals.
2. The applicant shall address the December 12, 2018 TAC comments from the Departments of Planning and Zoning, Public Works, and Environmental Health, and Talbot Soil Conservation.

3. The temporary tents associated with the accessory event venue shall not encroach into the modified buffer area.
4. The temporary tent associated with the accessory event venue shall be located no closer than 50 feet from existing property lines.
5. The temporary outdoor tents associated with the restaurant with outdoor events shall be strictly limited to being located in a manner that covers only the existing lot coverage as shown on the plan.
6. A specified maximum number of days/hours that the tents will be erected and disassembled prior to and after conclusion of an event must be provided on the site plan to ensure the tents will be temporary.
7. The site plan and noise compliance plans shall indicate compliance of the dBA noise standards for daytime and nighttime hours as specified under §92-4 of the Talbot County Noise Ordinance.
8. The following note shall be added to the site plan with regards to the proposed overflow parking areas:

*Overflow Parking Areas*

*This site plan does not propose any new permanent impervious cover on the site. Overflow parking areas "A" and "B" as shown on the site plan, are densely vegetated with turf grass. The dense vegetation of these overflow parking areas provides compliance with State and County stormwater management regulations by minimizing the potential for soil compaction and erosion & sediment onto adjoining properties and tidal waters. The following use restrictions are a condition of site plan approval:*

- 1. Only one of these parking areas, A or B, shall be used at any given event/time.*
- 2. Use of overflow parking shall be alternated between areas A and B.*
- 3. Use of each overflow parking area shall be limited to a maximum of once per week.*
- 4. In the event vegetative cover becomes thin or bare earth is exposed, active use of the area shall cease until dense vegetative cover has been re-established.*
- 5. Any rutting, depressions or other impacts to the overflow parking areas shall be required to be re-established with dense turf grass.*

Zach Smith of Armistead, Lee, Rust & Wright, P.A. appeared with applicant John Flannigan. Mr. Smith described the application: the request was unusual as it related to a hotel and restaurant in existence for decades; the recent changes in the Zoning Code allowed hotels and restaurants to seek Special Exceptions to allow such uses; The Commission's role was to review the Site Plan and to make a recommendation to the Board of Appeals on the Special Exceptions; outdoor events are expected to be found at a waterfront location; Mr. Flannigan has demonstrated his ability to host these types of events; and the County is in a better

position to address any issues related to the uses as they have recently adopted a noise ordinance.

Mr. Flannigan stated this is an important matter to Tilghman; in 2017 he purchased the Harrison Chesapeake House after it was foreclosed on after years of financial instability; after investing significant capital and time into this hotel, he opened the Wylder Hotel in April of 2018; he restored the lobby, restaurant, rooms and saltwater pool; weddings are in demand at the hotel as most brides are from the western shore looking for a destination wedding; Wylder is a perfect destination for weddings with nine acres of expansive land, a crab shack, three restaurants, a marina, and fishing charters; and most brides want to be near the water to entertain their guests.

Mr. Flannigan also stated when he purchased the property there was a court order that limited outdoor events due to late night noise that disturbed residents, which is not his business model; the court ruling had been reversed and he was able to file temporary use permits to hold twelve events in 2018 in accordance with the Code without any formal complaints from residents. He elaborated that events included a wedding, corporate events and a concert series with some talented artists that play at the Avalon theatre. He noted they are careful about artist selection to ensure they do not exceed 60 dBA at the property line.

Mr. Flannigan stated the Code does not require a noise expert, but simply requires a maximum 60 dBA limit and a 10 p.m. shutoff. He stated they strongly disagree with the new Code which reduces the temporary events from twelve to six per year. He noted that Tilghman Island has always been a tourist destination that thrives under the resort properties built decades ago; there is new investment to reopen the Tilghman Island Inn; restaurants are struggling to stay open year-round; and allowing Wylder to hold more weddings and events will only enhance the quality of life by attracting more investment, enhancing the quality of jobs and provide a place for residents to live and work.

Commissioner Councill asked what elements should be in a Noise Compliance Plan. Mr. Salinas responded the land uses are new in the Code and the required Noise Compliance plan should provide for continuance monitoring of events at least 1 hour before and 1 hour after the event. Mr. Salinas also pointed out that the Department created checklist requirements for a Noise Compliance Plan.

Commissioner Councill stated he was on the Noise Ordinance Task Force, this was the first application for an event venue and he was a little disappointed in the Noise Compliance Plan submitted by the applicant. He further stated the Commission was hoping to identify the location of the measurement equipment, location of amplified music, a template for a contract requirement for the client having the event and whoever was putting on the music, and more information on noise mitigation measures. Mr. Councill noted that the existing vegetation did not screen noise and stated he would like to have more discussion on the restaurant

and bar part of the application; with the restaurant and bar area covered by a tent, he was assuming live and/or piped in music would occur and he would like to know the direction of the music.

Mr. Flannigan responded speakers on the restaurant stage will be pointed away from the pool to the north and music will be acoustic-based, which is a lower impact than loud rock music with a lot of percussion. He stated he will book artists that can be within the 60 dBA limit.

Commissioner Councell pointed out that the Noise Ordinance defines daytime hours from 7 a.m. to 8 p.m., Sunday through Thursday in which the maximum noise level is 60 dBA and nighttime noise levels are 55 dBA. Mr. Salinas stated on Friday and Saturday, the maximum noise level is 60 dBA until 10 p.m. Commissioner Councell stated it seems they are asking for a lot of events.

Mr. Flannigan responded he is only asking what the Inn at Perry Cabin, Tidewater Resort, and every other Inn in the County already has; typically most brides don't want music more than three hours at a time; there will not be outdoor music from 10 p.m. to 10 a.m.; some brides will have music in the morning and some will have a later wedding; and there will be times when there is an event next to the pool, in the crab shack there will be light ambient music piped in, but there will never be live music at both locations.

Commissioner Councell asked if it would be possible to have the dBA down to 55 from 8 pm to 10 pm. Mr. Flannigan responded in the affirmative because that is when most of the weddings and events would occur.

Commissioner Boicourt asked how does one ensure the viability of this property and ensure the residents peaceful enjoyment of their property. Mr. Tarleton responded the Special Exceptions go with the property.

Mr. Flannigan stated the grass for the overflow parking is wire grass and they have companies that will set up tents on the weekend, set up on Friday and take them down on Monday. Mr. Smith stated they petitioned the Court to lift the order unilaterally and they believe the Court felt comfortable with doing so because there is a Noise Ordinance in place.

Commissioner Fischer stated the Commissions wants Wylder to succeed considering all the work done on the property, but is having difficulty with the little quality and effort put into the Noise Compliance Plan. Commissioner Sullivan stated the tented brick area by the restaurant faces north and there is a lot more room there next to the residential structure but he sees no sound reducing materials or structures to reduce the loudest noise from the nearest residences. He stated he lives a mile from Doc's on the Water and you can hear the music from the restaurant; he would to see some noise attenuation elements. He also stated he walked around the entire property and notices that Area B for the overflow



377 parking is slightly raised but also slightly wet and asked if the tent could be  
378 moved to the other side of the pool so the sound could be directed to protect the  
379 neighbors on that side of the property.  
380

381 Mr. Flannigan responded he worked extensively with the County and was told the  
382 location of the tent was fine; he felt comfortable with the Noise Compliance Plan  
383 because there is no requirement for a professional sound engineer; and they were  
384 able to execute and comply with the 60 dBA the past year.  
385

386 Commissioner Sullivan stated there should be a meter at the 50-foot property line.  
387 Mr. Flannigan responded he will ensure there is one at that property line. He  
388 stated they brought in a DJ and set up a tent and pointed the speaker to test the  
389 noise and they took the time and consideration to ensure they could achieve what  
390 was in the Code; a letter from Mr. Moody was in the package.  
391

392 Commissioner Fischer stated a Noise Compliance Plan was needed that makes the  
393 Commission comfortable with what that were going to achieve.  
394

395 The discussion continued between the Commission and the applicant regarding  
396 the Noise Compliance Plan and the requirements.  
397

398 Commissioner Fischer stated that during the preparation of the Tilghman Master  
399 Plan, more than 73% said a sense of community was most important and the  
400 second most important was quiet. Commissioner Councill asked Mr. Flannigan if  
401 he envisions more than one event in the large tent per day. Mr. Flannigan  
402 responded he does not. Commissioner Councill asked if it would be a major  
403 inconvenience to limit the amount of live music to four hours per event. Mr.  
404 Flannigan responded he would give it some thought but he did not want to  
405 undermine his business.  
406

407 Commissioner Sullivan asked why his competitors did not have to comply with  
408 the same laws. Mr. Smith responded they are in a different jurisdiction.  
409

410 Commissioner Fischer asked for public comments.  
411

412 Dr. Jay Shotel, Charles Resa (letter read by Mr. Freibaum), Jerry Freibaum, Steve  
413 Moody, Walt Teasdale, Patricia McGlannon, Thomas Himmelman, Russell  
414 Wright, Mark Bridges, Marlice Green, Pat Yeager, George Nelson, Lynn  
415 Brookhouser, Robert D. Ebel, Bo Delashner, and Debra Becker spoke in favor of  
416 Mr. Flannigan going forward with the project. There were some cautionary  
417 comments about the effects of noise at high levels and requests for the County to  
418 review what the proper dBA should be. Most felt Mr. Flannigan would be  
419 bringing more people to Tilghman which would help all businesses in Tilghman.  
420

421 Ron Frampton requested a later start time on Sundays due to the Methodist  
422 Church services in the area.

423  
424 Doak Conn and Leslie Steen spoke in opposition to the project. Comments  
425 included: the music and tent were not necessary at the hotel; Tilghman is a  
426 residential community and the events would bring a high concentration of people;  
427 a lack of lodging facilities for weddings of up to 250 people; and a fear that events  
428 will increase short-term rentals in Tilghman.

429  
430 Commissioner Fischer offered Mr. Flannigan an opportunity to address the  
431 comments from the public. Mr. Flannigan responded it was a great discussion; he  
432 will detail the Noise Compliance Plan to the Commission's satisfaction; an  
433 average wedding is 100-125 guests; the average time for outdoor music at an  
434 event is 2-3 hours; Wylder is three times the size of The Oaks; and Wylder's  
435 ballroom is broken up into section and cannot accommodate a large wedding.

436  
437 Commissioner Councill asked about the possibility of starting outdoor music at  
438 noon on Sundays instead of 10 a.m.

439  
440 Commissioner Sullivan asked what months constituted high season. Mr.  
441 Flannigan responded that high season starts in April and is extended into the first  
442 two weeks of November; events trail off during the weekdays in September and  
443 October, but the weekends are still busy. Mr. Flannigan stated that the decibel  
444 reader is at 65 dBA almost constantly with the bridge, the birds, the boats going in  
445 and out of the harbor, etc.

446  
447 Commissioner Fischer clarified that the Major Site Plan needs to be approved and  
448 a recommendation needs to be made to the Board of Appeals for the Special  
449 Exceptions. He asked staff if the Noise Compliance Plan needed to be approved at  
450 this time. Mr. Salinas confirmed that it needed to be approved as part of the Site  
451 Plan.

452  
453 Commissioner Councill stated his concerns with the Noise Compliance Plan  
454 could be addressed in short order and would prefer to move forward with a  
455 condition that the applicant resubmit the Noise Compliance Plan.

456  
457 Mr. Salinas stated the Board of Appeals public hearing for the Special Exceptions  
458 was scheduled for January 14th.

459  
460 Commissioner Councill asked if the Commission could approve the Site Plan  
461 contingent upon a Noise Compliance Plan that was acceptable to the Planning  
462 Commission and whether it was possible to meet two hours before the Board of  
463 Appeals meeting.

464  
465 Commissioner Boicourt stated his overall concern was the request for 50 events  
466 per year and asked about the recourse for violations. Commissioner Spies  
467 expressed concern reducing the number of events requested might preclude the  
468 applicant from having events in the winter; for example a tent with a heater could

469 accommodate a Christmas festival. He stated that two Commissioners were on the  
470 noise ordinance for six months, the applicant should move forward with their  
471 request and give the Noise Ordinance an opportunity to be applied. Mr. Spies  
472 agreed a more technical application would have been better.

473  
474 Commissioner Councell stated that the applicant hosted events in 2018 and not  
475 one person complained.

476  
477 Commissioner Fischer asked that the Commission go through each of the requests  
478 subject to the Noise Compliance Plan.

479  
480 Ms. Verdery stated it would be better to have submittal of a revised Noise  
481 Compliance Plan in one week and have either the Commission or representatives  
482 for the Commission meet to review the plan, giving the Board of Appeals time to  
483 review the documents.

484  
485 Mr. Smith asked for more guidance on what the Commission and staff are looking  
486 for in the Noise Compliance Plan.

487  
488 Commissioner Councell responded he would like a document identifying the type  
489 and location of measuring equipment, type and location of music, type and  
490 location of amplifiers, sample of contract given to a performer as well as client,  
491 and noise mitigation measures. He stated he would like to see a limit of one event  
492 a day, no more than five hours per day, a start time of noon on Sundays, and a  
493 stop time of 8 p.m. on weekdays after labor day Sunday through Thursday.

494  
495 Mr. Kupersmith stated the Commission has authority on the Site Plan and can  
496 made recommendations to the Board of Appeals.

497  
498 Commissioner Fischer stated that he has problem with 250 guests as well as 50  
499 events per year.

500  
501 Break at 1:15 pm

502  
503 Reconvene at 1:20 pm

504  
505 Commissioner Fischer asked Mr. Mertaugh if he was comfortable with the  
506 overflow parking areas. Mr. Mertaugh confirmed he was.

507  
508 Mr. Flannigan stated there could be four event venues in Tilghman: Wylder Hotel,  
509 Marker Five, Bridge Restaurant and early next year the Tilghman Island Inn. He  
510 stated he does not count Black Walnut Point because they are so far down the  
511 road. He noted people have incorrectly stated Tilghman will have up to eight  
512 event venues.

Ms. Steen responded that Knapps Narrow Marina, Tilghman Island Marina and the remaining marinas could have event venues as well.

Mr. Flannigan stated he requested 50 events from due diligence he performed prior to acquisition. Commissioner Fischer asked how they were able to host twelve events in 2018. Mr. Smith responded the County allowed twelve events prior to the Code update; which now only allows up to six. Mr. Flannigan stated that 50 events would not be all weddings, but could include community events of about approximately fifty people, similar to the Plein Air event they hosted in Tilghman. He also stated that most of his weddings would be between one-hundred and one-hundred and fifty people; he does not want to turn away a wedding that comes in at two-hundred and twenty-five people and he would not want to go lower than forty-two events.

Mr. Salinas pointed out there were several conditions in the staff report and that violations or continued violations can require the applicant to return to the Commission or Board of Appeals for review. Commissioner Fischer asked if this also means the applicant has the ability to increase their number of events if things are going well. Mr. Salinas confirmed they have the ability to request a modification of their conditions but the conditions could also be modified or revoked as well.

Commissioner Fischer would like to have as part of the noise log the decibels at the music source as well as the property line. Mr. Flannigan responded they document the event so they will make this part of the log.

Commissioner Cuncell suggested the possibility of a noise limiter on the amplifier; if the noise goes over whatever it is set for at the table it will shut down the amplifier.

**Commissioner Boicourt moved to approve the Major Site Plan for Wylder Hotel, 21551 Chesapeake House Drive, Tilghman Island, Maryland, for Accessory Event Venue (Talbot County Code §190-33.11), subject to the following conditions:**

- a. The applicant shall comply with conditions 1-8 in the Staff Report dated January 2, 2019.**
- b. There shall be no more than one (1) event per day.**
- c. Outdoor music shall not exceed five (5) hours per day in duration per event.**
- d. There shall be a limit of forty-two (42) events per year.**
- e. There shall be a maximum of two hundred fifty (250) guests per event.**
- f. No outdoor music shall occur on Sundays prior to twelve o'clock noon.**

- 558 g. The applicant shall submit an updated Noise Compliance Plan no  
559 later than close of business on Tuesday, January 8, 2019, including  
560 at a minimum the following elements:
- 561 i. Type and location of noise measurement equipment;
  - 562 ii. Type and location of amplification equipment;
  - 563 iii. Type and location of music, e.g. DJ, amplified, acoustic;
  - 564 iv. Type and location of noise mitigation measures;
  - 565 v. Sample contract to be signed by musical  
566 performer/entertainer and client; and
  - 567 vi. Details related to constant monitoring in accordance  
568 with the Talbot County Code of decibel levels at music  
569 source and property lines;
- 570 h. The Planning Commission reserves the right to review and  
571 approve the updated Noise Compliance Plan to request additional  
572 information and/or require additional information prior to  
573 approval. Commissioner Spies seconded the motion. The motion  
574 carried unanimously (5-0).  
575

576 Commissioner Spies moved to approve the Major Site Plan for Restaurant  
577 with Outdoor Events (Talbot County Code §190-29.4) for Wylder Hotel,  
578 21551 Chesapeake House Drive, Tilghman, Maryland; subject to the  
579 following conditions:

- 580 a. The applicant shall comply with conditions 1-8 in the Staff Report  
581 dated January 2, 2019.
- 582 b. No outdoor music shall occur on Sunday prior to 12 noon.
- 583 c. Outdoor events with music shall be limited to Wednesday through  
584 Sunday from April 15<sup>th</sup> to November 15<sup>th</sup> with music allowed only  
585 from 10 AM to 10 PM on such days, except as provided in  
586 condition (b) above.
- 587 d. The applicant shall submit an updated Noise Compliance Plan no  
588 later than close of business (4:30 PM) on Tuesday, January 8,  
589 2019, including, at a minimum, the following elements:
  - 590 i. Type and location of noise measurement equipment;
  - 591 ii. Type and location of amplification equipment;
  - 592 iii. Type and location of music;
  - 593 iv. Type and location of noise mitigation measures;
  - 594 v. Sample contract to be signed by musical  
595 performer/entertainer and client; and
  - 596 vi. Details related to constant monitoring in accordance  
597 with the Talbot County Code of decibel levels at music  
598 source and property lines.
- 599 e. The Planning Commission reserves the right to review and  
600 approve the updated Noise Compliance Plan to request additional  
601 information and/or require additional information prior to  
602 approval. Commissioner Boicourt seconded the motion. The  
603 motion carried unanimously.

Commissioner Councill asked if Ms. Deflaux if she was comfortable waiving the perimeter landscaping requirement. Ms. Deflaux responded the landscaping does not mitigate the noise. Commissioner Fischer stated there is the visual of the large tent and cooking tent. Commissioner Sullivan said that there is some existing screening but it needs to be filled in. Ms. Deflaux stated the screening does not appear to meet the minimum width. Commissioner Boicourt asked what could be done. Ms. Deflaux stated they could do a row of evergreens on one side.

Mr. Flannigan stated there was a lot of existing foliage. Commissioner Sullivan responded that it's pretty sparse. Commissioner Fischer stated he did not see a reason to waive the perimeter landscaping requirement.

Commissioner Fischer stated he heard no motion in favor of the Waiver.

**Commissioner Spies moved the Planning Commission recommend to the Board of Appeals approval of a Special Exception for a Restaurant with Outdoor Events (Talbot County Code §190-29.4) for Wylder Hotel, 21551 Chesapeake House Drive, Tilghman, Maryland, with the following conditions:**

- a. The applicant shall comply with conditions 1-4 in the Staff Report dated January 2, 2019.
- b. No outdoor music shall occur on Sunday prior to 12 noon.
- c. Outdoor events with music shall be limited to Wednesday through Sunday from April 15<sup>th</sup> to November 15<sup>th</sup> with music allowed only from 10 AM to 10 PM on such days except as provided in condition (b) above. Commissioner Sullivan seconded the motion. The Motion carried unanimously (5-0).

**Commissioner Spies moved the Planning Commission recommend to the Board of Appeals approval of a Special Exception for an Accessory Event Venue (Talbot County Code §190-33.11) for Wylder Hotel, 21551 Chesapeake House Drive, Tilghman, Maryland; with the following conditions:**

- a. The applicant shall comply with conditions 1-5, excluding item 4.c., in the Staff Report dated January 2, 2019.
- b. No outdoor music shall occur on Sunday prior to 12 noon.
- c. There shall be no more than one event per day
- d. Outdoor music shall not exceed five (5) hours in duration per event.
- e. There shall be a limit of forty-two (42) events per year.
- f. There shall be a maximum of two hundred fifty (250) guests per event.

**Commissioner Sullivan seconded the motion. The Motion carried unanimously (5-0).**

650 This portion of the meeting will be continued to Wednesday, January 9, 2019 at  
651 4:00 p.m.

652  
653 d. Recommendation to County Council—Comprehensive Water and Sewerage Plan  
654 Amendment, Tax Map 33, Parcel 139, Lots 1A, 1B, 1C, 2A, 2B, 2C, 3A, 3B,  
655 Miles View Condominiums  
656

657 Ray Clarke, Talbot County Department of Public Works, stated the Miles View  
658 Condo Association sewer system was failing; the condo association consists of  
659 eight units; the County Council introduced the amendment at their December 8<sup>th</sup>  
660 meeting; sewer cannot be extended unless the Comprehensive Plan is amended;  
661 they are seeking funds to help the residents; Resolution 175 raises some questions  
662 of it being a single-family house versus a commercial institution; Ms. Ann Morse  
663 from Environmental Health provided Mr. Clarke with a letter which stated that  
664 the facility was installed with the requirements of MDE and the Department of  
665 Health; and the sewer line will not difficult to extend to these eight properties.  
666

667 Commissioner Boicourt stated there was a precedent in Carroll's Market. Mr.  
668 Clarke stated the question is whether this is a single-family unit or a commercial  
669 operation.  
670

671 Commissioner Fischer stated we need to document clearly what our criteria is for  
672 hooking them up to sewer.  
673

674 Mr. Clarke stated the problem is the eight properties are pumping and hauling and  
675 have a public health issue.  
676

677 Mr. Kupersmith suggested the language is sufficiently vague to cover this  
678 situation; this structure was built possibly prior to the County's first Zoning  
679 Ordinance; the Commission's role was to find whether Resolution 268 is  
680 consistent with the Comprehensive Plan; and the Carroll's Market Policy is for  
681 this type of condition.  
682

683 Mr. Clarke stated once the Commission finds it consistent, the resolution goes to  
684 the County Council and then MDE has to make their finding.  
685

686 William Anderson, Chairman of the Public Works Advisory Board, stated they  
687 recessed to come before the Commission; they don't have any choice but to try to  
688 fit this under the Carroll's Market policy; Mr. Kupersmith has addressed the issue  
689 of contiguity; he felt the structure is not commercial; and extending sewer service  
690 will address public health concerns raised by failing sewer systems.  
691

692 Ms. Morse stated the system installed in 2001 was a non-conforming system and  
693 even at that time they suggested the community begin discussions about sewer.  
694

Commissioner Councill moved Resolution 268 is consistent with the Comprehensive Plan, page 6-18 (Section 6.14, 6.15, 6.16). Commissioner Boicourt seconded the motion. The Motion carried unanimously 5-0.

6. Discussion items

7. Staff Matters

- a. Ms. Verdery stated this coming Monday evening there will be Planning Commission position interviews.

8. WorkSessions

9. Commission Matters

10. Adjournment—Commissioner Fischer continued the meeting at 3:20 p.m.